S.B.Cr.Misc. Bail App. No.4936/2007

(Chuuni Lal alias Chuna Ram vs. State of Rajasthan)

Date of order : November 27, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the challan papers. I have carefully gone through the statements of PW.1 Vijaypal and No.2 Santosh, who are son and daughter respectively of the deceased and the petitioner. Both these witnesses did not support the prosecution case and turned hostile.

There is a witness in the list of the witnesses at serial No.9 viz. Ladu Ram s/o Humma Ram, who is an eye-witness to the occurrence but he has been left out by the prosecution. Learned counsel for the petitioner has placed on record the order-sheet of the trial court dt. 10.10.2007, wherein the witnesses listed in the calendar of the witnesses at serial No. 9,10 and 13 have been given up by the learned APP conducting the sessions case. According to the learned counsel for the petitioner there is no evidence connecting the petitioner with the commission of crime.

Having regard to the facts and circumstances of the case and the fact that material witnesses PW.1 Vijaypal and PW.2 Santosh did not support the prosecution case, taking into account the oral arguments advanced by both the parties, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Chunni Lal alias Chuna Ram s/o Godu Ram be released on bail in FIR No.29/2007, P.S. Jaswantgarh, Distt. Nagaur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-